



FCC MAIL SECTION

# PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION

1919 M STREET, N.W.

WASHINGTON, DC 20554

DA 98-381

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## COMMON CARRIER BUREAU

### SBC COMMUNICATIONS INC. AND SOUTHERN NEW ENGLAND TELECOMMUNICATIONS CORPORATION (SNET) SEEK FCC CONSENT FOR A PROPOSED TRANSFER OF CONTROL

#### PLEADING CYCLE ESTABLISHED

CC Docket No. 98-25

**PETITIONS/COMMENTS: March 30, 1998**

**OPPOSITIONS/RESPONSES: April 29, 1998**

SBC Communications Inc. ("SBC") and Southern New England Telecommunications Corporation ("SNET") have filed applications under sections 214 and 310(d) of the Communications Act, 47 U.S.C. §§ 214 and 310(d), requesting Commission approval of the transfer of control to SBC of licenses and authorizations controlled or requested by SNET or its affiliates or subsidiaries. This transfer of control would take place as the result of a proposed merger of SBC and SNET. After the proposed merger, SNET would become a wholly owned subsidiary of SBC, and the licenses and authorizations currently held by the affiliates or subsidiaries of SNET would continue to be held by those entities.<sup>1</sup>

SBC and SNET submit that the proposed merger is likely to produce benefits in the markets for wireless, wireline and long distance service. SBC and SNET further submit that

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<sup>1</sup> Pursuant to the Agreement and Plan of Merger, SBC(CT), Inc., a wholly-owned subsidiary of SBC formed to accomplish this merger, will merge into SNET.

the proposed merger will serve the public interest, and that no aspect of the merger will produce anticompetitive effects in any telecommunications market.

Interested parties may file comments regarding or petitions to deny the applications no later than **March 30, 1998**. Oppositions or responses to these comments and petitions may be filed no later than **April 29, 1998**. For administrative convenience, the various applications listed below have been consolidated into one general docket. Accordingly, new file numbers will not be assigned to the individual applications for transfer of control. All filings regarding any aspect of the proposed merger should reference the Common Carrier docket assigned to this proceeding, CC Docket No. 98-25.

### **EX PARTE STATUS OF THIS PROCEEDING**

Because this proceeding involves broad public policy issues, the Common Carrier Bureau (Bureau) will treat the proceeding as "permit but disclose" for purposes of the Commission's *ex parte* rules. See generally 47 C.F.R. §§ 1.1200-1.1216. Should circumstances warrant, the Bureau may designate this proceeding and all interrelated proceedings as restricted. As a "permit but disclose" proceeding, *ex parte* presentations will be governed by the procedures set forth in Section 1.1206 of the Commission's rules applicable to non-restricted proceedings.<sup>2</sup>

Parties making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must contain a summary of the substance of the presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. See 47 C.F.R. § 1.1206(b)(2), as revised. Other rules pertaining to oral and written presentation are set forth in Section 1.1206 (b) as well. Interested parties are to file with the Commission Secretary, Magalie Roman Salas, 1919 M Street, N.W., Room 222, Washington, D.C. 20554, and serve Janice Myles of the Policy and Program Planning Division, Common Carrier Bureau, Room 544, 1919 M Street, N.W., Washington D.C. 20554, and International Transcription Service, Inc., 1231 20th Street, N.W., Washington, D.C. 20036, with copies of any written *ex parte* presentations in these proceedings in the manner specified above. We also require all written *ex parte* presentations or summaries of oral *ex parte* presentations in this proceeding to be served on all parties to the proceeding.

### **TRANSFER OF CONTROL APPLICATIONS**

The applications for transfer of control of SNET's authorizations and licenses to SBC include numerous Title II and Title III authorizations, licenses, certifications, and pending applications. Below is a non-exhaustive list of the types of authorizations and licenses

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<sup>2</sup> An *ex parte* presentation is any communication (spoken or written) directed to the merits or outcome of a proceeding made to a Commissioner, a Commissioner's assistant, or other decision-making staff member, that, if written, is not served on other parties to the proceeding or, if oral, is made without an opportunity for all parties to be present. 47 C.F.R. Sec. 1.1201.

involved in this transaction. They are separated by type of authorization and license, and, within each category, by the SNET subsidiary or affiliate that holds the authorization or license. Each SNET subsidiary or affiliate may hold multiple authorizations or licenses of a particular type. Interested parties should refer to the transfer of control applications for a listing of the authorizations or licenses. Parties should be aware that applications may have to be filed to identify any additional authorizations in the services noted.

**1. Section 214 Applications**

The following are applications for consent to transfer control from SNET to SBC of section 214 authorizations or interests in such authorizations held or requested by SNET or its affiliates or subsidiaries.

SNET America, Inc. (ITC-93-256 et al.) (multiple authorizations)  
SNET Diversified Group, Inc. (ITC-96-538) (single authorization)

**2. Section 310 Applications**

Public Mobile Services (Part 22)

The following are applications for consent to transfer control from SNET to SBC of Public Mobile Services authorizations held by affiliates or subsidiaries of SNET.

SNET Cellular, Inc. (KNKN849 et al.) (multiple authorizations)  
Springwich Cellular Limited Partnership (KNKA239 et al.) (multiple authorizations)

Satellite Communications (Part 25)

The following is an application for consent to transfer control from SNET to SBC of Satellite Communications authorizations held by a subsidiary of SNET.

SNET Personal Vision, Inc. (E960402 et al.) (multiple authorizations)

Private Land Mobile Radio Services (Part 90)

The following is an application for consent to transfer control from SNET to SBC of Private Land Mobile Radio Services authorizations held by a subsidiary of SNET.

SNET Telco (KFC657 et al.) (multiple authorizations)

Fixed Microwave Services (Part 101)

The following are applications for consent to transfer control from SNET to SBC of Fixed Microwave Services authorizations held by subsidiaries of SNET.

SNET Telco (KA9704 et al.) (multiple authorizations)  
SNET Cellular, Inc. (WLL933 et al.) (multiple authorizations)

## **SECTION 212 REQUEST**

Pursuant to section 212 of the Act, 47 U.S.C. § 212, and Part 62 of the Commission's Rules, 47 C.F.R. §§ 62.1-62.26, SBC requests that, upon Commission approval of and subsequent consummation of the proposed merger between SBC and SNET, the Commission declare that SBC's local exchange carrier subsidiaries will be "commonly owned carriers" within the meaning of Section 62.2 of the Commission's Rules. SBC states that grant of this request would serve as a blanket authorization for the merged company and its subsidiaries to have and maintain common officers and directors without further prior application to the Commission.

## **REQUEST FOR EXEMPTION**

Under 47 C.F.R. §§ 22.123(a), 25.116(b)(3), 90.164(b), and 101.29(c)(4), applicants have requested a blanket exemption from cut-off rules that may apply to applications under Parts 22, 25, 90 and 101.

## **GENERAL INFORMATION**

The Commission reserves the right to return any application if, upon further examination, it is determined to be defective and not in conformance with the Commission's Rules or policies.

Final action will not be taken on these applications earlier than 31 days following the date of this Notice. Interested parties may file pleadings as indicated above regarding the applications. An original and 12 copies of all pleadings, in accordance with Section 1.51(c) of the Commission's Rules, 47 C.F.R. §1.51(c) must be filed with the Commission's Secretary, Magalie Roman Salas, 1919 M Street, N.W., Room 222, Washington, D.C. 20554. In addition, copies of each pleading must be filed with other offices, in the following manner: (1) one copy with International Transcription Service, Inc., the Commission's duplicating contractor, at its office at 1231 20th Street, N.W., Washington, D.C. 20036, telephone (202) 857-3800; (2) two copies with the Chief, Policy and Program Planning Division, Common Carrier Bureau, 1919 M Street, N.W., Room 544, Washington, D.C. 20554; (3) two copies with the Chief, Telecommunications Division, International Bureau, 2000 M Street, N.W., Room 800, Washington, D.C. 20554; (4) one copy with Jeanine Poltronieri, Wireless Telecommunications Bureau, 2025 M Street, N.W., Room 5002, Washington D.C. 20554; and (5) one copy with the Chief, Commercial Wireless Division, 2100 M Street, N.W., Room 7023, Washington, D.C. 20554.

Parties are also encouraged to file a copy of all pleadings on a 3.5 inch diskette in an IBM-compatible format using Wordperfect 5.1 for Windows software in a "read only" mode. Diskette submissions should be in addition to, and not a substitute for, the hard copy filing requirements reviewed above. All diskettes should be clearly labelled with: (1) the party's name; (2) the name of the proceeding and docket number; (3) the type of filing submitted (e.g., comments or oppositions); and (4) the date of submission. The diskettes should be

accompanied by a cover letter and filed with Janice Myles of the Policy and Program Planning Division, Common Carrier Bureau, Room 544, 1919 M Street, N.W., Washington D.C. 20554.

Copies of the applications and any subsequently filed documents in this matter may be obtained from International Transcription Service, Inc., 1231 20th Street, N.W., Washington, D.C. 20036, telephone (202) 857-3800. Electronic versions of the applications will also be available on the FCC's Internet Home Page (<http://www.fcc.gov>), and through the Commission's Electronic Comment Filing System. To the extent that parties file electronic versions of responsive pleadings, such filings also will be available on the FCC's Internet Home Page and through the Commission's Electronic Comment Filing System. Copies of the applications and documents are also available for public inspection and copying during normal reference room hours at the Commission's Reference Center, 1919 M Street, N.W., Room 239 Washington, D.C. 20554.

For further information, contact Elizabeth S. Nightingale, Policy and Program Planning Division, Common Carrier Bureau, at (202) 418-1580.

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